

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CHANDLER MCCLOSKEY, JOANNA )	
MCCLOSKEY, )	
) )	
Plaintiffs, ) Civil Action No. 3:24-167	
) Judge Nora Barry Fischer	
v. ) Magistrate Judge Keith A. Pesto	
JUDGE PAUL E. CHERRY, )	
) )	
Defendant. ) )	

**ORDER OF COURT**

AND NOW, this 23rd day of December, 2024, upon consideration of the Report and Recommendation of United States Magistrate Keith A. Pesto dated August 20, 2024, (Docket No. 8), recommending that Plaintiffs Chandler and Joanna McCloskey's Complaint be dismissed, and that leave to amend should be denied, as Plaintiffs are attempting to sue Judge Paul E. Cherry, who is presiding over child custody proceedings involving their child and seek a ruling overturning his decisions, such that the Court must abstain in favor of the ongoing state proceedings, and ordering that any objections be filed within 14 days such that objections were due from non-ECF users like Plaintiffs by September 6, 2024, and no objections having been filed by the date of this Order, and upon independent review of the record and de novo consideration of the Magistrate Judge's Report and Recommendation of August 20, 2024, which is ADOPTED as the opinion of this Court,

IT IS HEREBY ORDERED that the Court will abstain from this case and Plaintiffs' Complaint (Docket No. 1) is DISMISSED, and leave to amend is denied, as futile;

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case CLOSED; and,

FINALLY, IT IS ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3

of the Federal Rules of Appellate Procedure.

s/ Nora Barry Fischer

Nora Barry Fischer  
Senior U.S. District Judge

cc/ecf: United States Magistrate Keith A. Pesto

All counsel of record.

cc: CHANDLER MCCLOSKEY  
JOANNA MCCLOSKEY  
741 POWELL STREET  
HAWK RUN, PA 16840 (via first class mail)